

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:2007-1153-WQ-E TCEQ ID: RN105243703 CASE NO.: 34202**  
**RESPONDENT NAME: JIM SPARKS DBA SPARKY'S CAR SALVAGE NO. 2**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 282 Private Road 1672, Stephenville, Erath County

**TYPE OF OPERATION:** Auto salvage operation

**SMALL BUSINESS:** ☒ Yes ☐ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on December 29, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Mr. Jorge Ibarra, Air Enforcement Section, MC 149, (817) 588-5890

**TCEQ Regional Contact:** Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901

**Respondent:** Mr. Jim Sparks, Owner, Sparky's Car Salvage No. 2, 1392 Columbia Street, Stephenville, Texas 76401

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> N/A</p> <p><b>Date of Investigation Relating to this Case:</b> May 24, 2007</p> <p><b>Date of NOE Relating to this Case:</b> July 3, 2007</p> <p><b>Background Facts:</b> The EDPRP was filed on January 3, 2008, but service on the Respondent was not achieved. The EDPRP was filed again and served on Respondent. An Agreed Order was signed on October 25, 2008.</p> <p><b>Current Compliance Status:</b> The respondent is not yet in compliance.</p> <p><b>WQ</b> Failed to develop and implement a storm water pollution prevention plan ("SWP3") and obtain permit coverage to discharge storm water at an industrial site [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].</p>	<p><b>Total Assessed:</b> \$2,000</p> <p><b>Total Deferred:</b> \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$174/\$1,826</p> <p>The Respondent paid \$174 of the administrative penalty. The remaining \$1,826 of the penalty will be paid in 11 monthly payments of \$166 each.</p> <p><b>Site Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Within 30 days, <ol style="list-style-type: none"> <li>Develop and implement a SWP3 to comply with the requirements of Multi-Sector Industrial General Permit No. TXR050000; and</li> <li>Submit a completed Notice of Intent ("NOI").</li> </ol> </li> <li>Within 45 days, submit written certification demonstrating compliance.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES	Assigned	16-Jul-2007	Screening	17-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	Jim Sparks dba Sparky's Car Salvage No. 2		
Reg. Ent. Ref. No.	RN105243703		
Facility/Site Region	4-Fort Worth	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	34202	No. of Violations	1	
Docket No.	2007-1153-WQ-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Jorge Ibarra, P.E.	
Multi-Media		EC's Team	EnforcementTeam 3	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$2,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0% Enhancement** Subtotals 2, 3, & 7 **\$0**

Notes: No change due to no previous compliance history.

Culpability **No** **0% Enhancement** Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts **\$97** **0% Enhancement\*** Subtotal 6 **\$0**  
 Approx. Cost of Compliance **\$2,500** \*Capped at the Total EB \$ Amount

### SUM OF SUBTOTALS 1-7

Final Subtotal **\$2,000**

### OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$2,000**

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$2,000**

### DEFERRAL

Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended because the Respondent did not settle in a timely manner.

### PAYABLE PENALTY

**\$2,000**

**Screening Date** 17-Jul-2007

**Docket No.** 2007-1153-WQ-E

**PCW**

**Respondent** Jim Sparks dba Sparky's Car Salvage No. 2

Policy Revision 2 (September 2002)

**Case ID No.** 34202

PCW Revision May 25, 2007

**Reg. Ent. Reference No.** RN105243703

**Media [Statute]** Water Quality

**Enf. Coordinator** Jorge Ibarra, P.E.

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

#### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

N/A

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

No change due to no previous compliance history.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

<b>Screening Date</b> 17-Jul-2007		<b>Docket No.</b> 2007-1153-WQ-E		<b>PCW</b>	
<b>Respondent</b> Jim Sparks dba Sparky's Car Salvage No. 2		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 34202		<i>PCW Revision May 25, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN105243703					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.					
<b>Violation Number</b>		<div style="border: 1px solid black; width: 50px; text-align: center;">1</div>			
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations ("CFR") § 122.26(c)</div>			
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 5px;">Failed to develop and implement a storm water pollution prevention plan ("SWP3") and obtain permit coverage to discharge storm water at an industrial site.</div>			
<b>Base Penalty</b>				<div style="border: 1px solid black; width: 100px; text-align: right;">\$10,000</div>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>			<b>Harm</b>		
			Major	Moderate	Minor
	<b>Release</b>				
	<b>Actual</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	<b>Potential</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
					<b>Percent</b> <div style="border: 1px solid black; width: 50px; text-align: right;">0%</div>
<b>&gt;&gt; Programmatic Matrix</b>					
		Major	Moderate	Minor	
	<b>Falsification</b>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
					<b>Percent</b> <div style="border: 1px solid black; width: 50px; text-align: right;">10%</div>
<b>Matrix Notes</b>		100% of the rule requirement was not met.			
<b>Adjustment</b>				<div style="border: 1px solid black; width: 100px; text-align: right;">\$9,000</div>	
				<div style="border: 1px solid black; width: 100px; text-align: right;">\$1,000</div>	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<div style="border: 1px solid black; width: 50px; text-align: center;">2</div>		<div style="border: 1px solid black; width: 50px; text-align: center;">54</div> <b>Number of violation days</b>	
<small>mark only one with an x</small>	<b>daily</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	<b>monthly</b>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>			
	<b>quarterly</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	<b>semiannual</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	<b>annual</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	<b>single event</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
The penalty was calculated from the investigation date, May 24, 2007, to the screening date, July 17, 2007.					
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>			<b>Violation Final Penalty Total</b>		
<div style="border: 1px solid black; width: 100px; text-align: right;">\$97</div>			<div style="border: 1px solid black; width: 100px; text-align: right;">\$2,000</div>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<div style="border: 1px solid black; width: 100px; text-align: right;">\$2,000</div>		

## Economic Benefit Worksheet

**Respondent** Jim Sparks dba Sparky's Car Salvage No. 2  
**Case ID No.** 34202  
**Reg. Ent. Reference No.** RN105243703  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,500	24-May-2007	1-Mar-2008	0.8	\$97	n/a	\$97
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a SWP3 and obtain permit coverage to discharge storm water at an industrial site. Date Required is the investigation date, Final Date is the expected compliance date.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$97

## Compliance History

Customer/Respondent/Owner-Operator:	CN603137076	SPARKS, JIM	Classification:	Rating:
Regulated Entity:	RN105243703	SPARKYS CAR SALVAGE NO 2	Classification:	Site Rating:
ID Number(s):				
Location:	282 PRIVATE ROAD 1672, STEPHENVILLE, TX, 76401			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	July 16, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 16, 2002 to July 16, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jorge Ibarra, P.E.	Phone:	(817) 588-5890	

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 07/09/2007 (562950)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
JIM SPARKS DBA SPARKY'S CAR  
SALVAGE NO. 2  
RN105243703**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1153-WQ-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jim Sparks dba Sparky's Car Salvage No. 2 ("Mr. Sparks") under the authority of TEX. WATER CODE chs. 7 and 26 and CODE OF FEDERAL REGULATIONS (CFR) pt. 122. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Sparks appear before the Commission and together stipulate that:

1. Mr. Sparks owns and operates an auto salvage operation located at 282 Private Road 1672, Stephenville, Erath County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Mr. Sparks agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Sparks is subject to the Commission's jurisdiction.
4. Mr. Sparks received notice of the violations alleged in Section II ("Allegations") on or about July 8, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Sparks of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of two thousand dollars (\$2,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr.



Sparks has paid one hundred seventy-four dollars (\$174.00) of the administrative penalty. The remaining amount of one thousand eight hundred twenty-six dollars (\$1,826.00) of the administrative penalty shall be payable in 11 monthly payments of one hundred sixty-six dollars (\$166.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Mr. Sparks fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Mr. Sparks's failure to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Sparks to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Sparks have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Sparks has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

1. During an investigation conducted on May 24, 2007, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Mr. Sparks violated 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CFR § 122.26(c) by failing to develop and implement a storm water pollution prevention plan ("SWP3") and obtain permit coverage to discharge storm water at an industrial site.
2. Mr. Sparks received notice of the violation on or about July 8, 2007.

### III. DENIALS

Mr. Sparks generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Sparks pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Mr. Sparks's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Jim Sparks dba Sparky's Car Salvage No. 2, Docket No. 2007-1153-WQ-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Mr. Sparks shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, Mr. Sparks shall:
  - i. Develop and implement a SWP3 to comply with the requirements of Multi-Sector Industrial General Permit No. TXR050000; and
  - ii. Submit a completed Notice of Intent ("NOI") to:

Storm Water and Pretreatment Team, MC 148  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Order, Mr. Sparks shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. The

certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. Sparks shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and

Sid Slocum, Water Section Manager  
Texas Commission on Environmental Quality  
Dallas/Fort Worth Regional Office  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

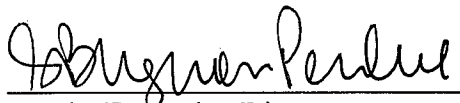
3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Sparks. Mr. Sparks is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. Sparks fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Sparks's failure to comply is not a violation of this Agreed Order. Mr. Sparks shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Sparks shall notify the Executive Director within seven days after Mr. Sparks becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Sparks shall be made in writing to the Executive Director. Extensions are not effective until Mr. Sparks receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Sparks in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Sparks, or three days after the date on which the Commission mails notice of the Order to Mr. Sparks, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/9/2008

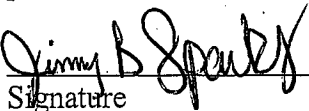
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution



Signature

10-25-08

Date

Jimmy B Sparks

Name (Printed or typed)

was the Owner

Title

Authorized representative of

Jim Sparks dba Sparky's Car Salvage No. 2

They ARE NO MORE Sparkys Junk Cars I've  
Been out out Business for over 1 years  
And I not going To open Ever again Jimmy B Sparks